

Oregon Department of State Lands (DSL)
Partial 404 Assumption Workgroup

JUNE 3, 2020
9:00-12:00

MICROSOFT TEAMS MEETING
(access link sent in email)

Agenda

9:00 Introductions and review of May 2020 Update

- Summary of Update (Read Through)
 - Questions?
- Goals of today's meeting:
 - ✓ Updates
 - ✓ Project Schedule
 - ✓ Questions

9:30 Crosswalk Update (share screen)

9:45 Assumed vs. Retained Waters and Mapping Update

- Verbal agreement with Corps has been reached
- DSL will draft a MOA for Corps review
- Changes since last time
 - 50% exceedance replaces HMT (more accurate)
 - Adding State CZM boundary for DLCD coordination

10:15 Tribal Consultation Update

- As of this writing, still preparing written response to CTUIR letter of 1/15/2021
- Nine issues being addressed
 - Federal Trust Responsibility
 - Treaty Rights
 - Federal Endangered Species Act
 - Sovereign Immunity
 - State Budget Vulnerabilities
 - National Historic Preservation Act (Section 106)
 - EPA/Corps Obligations Related to 404 Assumption
 - EPA's Lack of Capacity to Review Applications
 - EPA/Corps Consultation Policy
- Natural Resources Cultural Cluster Meeting
 - DSL has asked the co-chairs of the Tribal natural resources group to schedule a meeting to discuss these nine issues

10:45 Break

11:00 ESA Update

- Draft MOA in Process
- Work Flowchart in Process
- Meeting with Corps in Process
- EPA seeks comment on Section 7 consultation for assumption:
- [[HYPERLINK "https://www.federalregister.gov/documents/2020/05/21/2020-10913/request-for-comment-on-whether-epas-approval-of-a-clean-water-act-section-404-program-is"](https://www.federalregister.gov/documents/2020/05/21/2020-10913/request-for-comment-on-whether-epas-approval-of-a-clean-water-act-section-404-program-is)]
- Comment deadline is 7/6/2020

11:30 Report to House Agricultural and Land Use Committee (HAGLU)

- DSL has begun outlining its report to be submitted to HAGLU - 2020 Legislative Days
- DSL will be responding to the following legislative direction:

General direction—**ORS 196.795** (enacted in 1995)

DSL will address the following program criteria:

1. Reduce paperwork
2. Eliminate duplication
3. Increase certainty
4. Increase timeliness
5. Enhance resource protection

Specific direction-Sections 1 and 2, Chapter 652, Oregon Laws 2019 (HB 2436) (repealed on January 2, 2021)

DSL will follow up on the report it submitted to HAGLU in November 2019 in considerably more detail, addressing the five criteria listed above as they relate to partial assumption

12:00 Adjourn

Contact:

Eric Metz, Senior Policy & Legislative Analyst, DSL

[[HYPERLINK "mailto:Eric.metz@dsl.state.or.us"](mailto:Eric.metz@dsl.state.or.us)]

503-9997028

Barbe Poage, 404 Assumption Program Analyst, DSL

[[HYPERLINK "mailto:Barbara.Poage@dsl.state.or.us"](mailto:Barbara.Poage@dsl.state.or.us)]

503-986-5268

Next Meeting is Wednesday July 1, 2020 at the Department of State Lands.